

REMARKS

Claims 32 – 51 corresponds to prior cancelled claims 4 – 23.

Claim Rejections - 35 U.S.C. §102

Claim 10 (now claim 38) is rejected under 35 USC 102(b) as being anticipated by Andersson (5,375,123).

Claim 38, which corresponds to the prior cancelled claim 10, includes the limitation of "setting a set of parameters of a cellular network to optimize said cellular network." Andersson does not include this limitation. The cited text (column 4, lines 47 – 48) does not refer to any setting of parameters. The transmission power in the cited text is an input and not a parameter that is set. Thus, claim 38 is not anticipated by Andersson.

Claim Rejections - 35 U.S.C. §112

Claims 24-31 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claims invention.

Claim 4 (now claim 32) recites "saving said pilot strength measurements in a database, wherein said pilot strength measurements are saved **regardless of the measurement value**."

Claim 16 (now claim 44) includes a similar limitation: "means for saving data to a database..., the message saved regardless of the **pilot signal strength**."

The Examiner in rejecting claims 4-9 (now claims 32-37), 11-23 (now claims 39-51), under 35 USC 112, first paragraph cites page 9, line 29 to page 10, line 6 which is shown below for reference.

Mobile station 2 transmits a Pilot Strength Measurement Message which includes all pilots with energy greater than T_{ADD} and all members of the current active set who's measured pilot energy has not fallen below T_{DROP} for more than a predetermined time period. In the exemplary embodiment, mobile station 2 generates and transmits a Pilot Strength Measurement Message (PSMM) following the detection of a change in the strength of a pilot under the following three conditions:

1. The strength of a neighbor Set or Remaining Set pilot is found above the threshold T_{ADD} .
2. The strength of a Candidate Set pilot exceeds the strength of an Active Set pilot by more than a threshold (T_{COMP}).
3. The strength of a pilot in the Active Set has fallen below a threshold (T_{DROP}) for greater than a predetermined time period.

The three conditions refer to the conditions under which the PSMM is **generated and transmitted**, not the **conditions under which data is saved**. Once the PSMMs have been generated by a mobile station and received by a base station, the data from the PSMMs are saved regardless of measurement value and regardless of pilot signal strength.

Although Applicant appreciates the Examiner's response to arguments in the Office Action dated August 14, 2001, Applicant respectfully disagrees with the Examiners rationale "Since only pilot strength measurements which satisfy three conditions are transmitted to the base station and saved in the database. These three conditions also apply to the saving of pilot strength measurements". **The "regardless of" language of the claims is within the context of saving data and not within the context of generating and transmitting data**; therefore the "regardless of" language should be interpreted within the context of saving data. Within the context of saving data, the "regardless of" language is accurate since at the point of saving data, the PSMMs have already been generated and transmitted.

Thus, the 35 USC 1112, first paragraph rejections have been overcome and claims 32-51 are patentable and in condition for allowance.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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